

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 BENJAMIN FRAZIER,
5 Plaintiff,
6 v.
7 RANDALL PIKE, *et al.*,
8 Defendants.

Case No. 2:17-cv-01609-APG-VCF

**ORDER ON REPORT AND
RECOMMENDATION**

(ECF No. 3)

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10 On September 6, 2017, Magistrate Judge Ferenbach entered a report and recommendation
11 that I dismiss plaintiff Benjamin Frazier's complaint without prejudice. Frazier did not file an
12 objection. Thus, I am not obligated to conduct a de novo review of the report and
13 recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo
14 determination of those portions of the report or specified proposed findings to which objection is
15 made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the
16 district judge must review the magistrate judge's findings and recommendations de novo *if*
17 *objection is made*, but not otherwise" (emphasis in original)). Nevertheless, Judge Ferenbach sets
18 forth the proper legal analysis and factual basis for the decision.

19 IT IS THEREFORE ORDERED that Judge Ferenbach's report and recommendation
20 **(ECF No. 3) is accepted.** Plaintiff Benjamin Frazier's complaint is dismissed without prejudice.
21 The clerk of court is instructed to close this case.

22 DATED this 29th day of September, 2017.

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25 
26 ANDREW P. GORDON
27 UNITED STATES DISTRICT JUDGE
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